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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,166	05/30/2006	Assaf Gil	3032/7	9414

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,166

Applicant(s)

GIL ET AL.

Examiner

Thong H. Vu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-15,17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

1. Claims 1-6,9-22 are pending.. Claims 7,8 are canceled.

Response to Arguments

Applicant's arguments, see pages 3-4, filed 7/02/07, with respect to the rejection(s) of claim(s) 1-15 under Sharper III and Rifkin have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sharp III and Bart.

Claims 1-6,9-15,17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe III et al (6,012,961 A) in view of Bart et al [Bart 6,514,118 B1].

2. As per claim 1, Sharpe discloses a story-telling doll [Sharpe, A electronic toy 10, Fig 1] comprising:
 - (a) a doll body [Sharpe, toy 36, Fig 3];
 - (b) a processing system including at least one digital processor, said processing system being contained within said body [Sharpe, microcontroller 18a, Fig 2];
 - (c) a programmable data storage device associated with said processing system and contained within said body [Sharpe, program data 14, Fig 2];
 - (d) an audio output device associated with said processing system and contained within said body [Sharpe, output device 16, Fig 2];
 - (f) a communication unit associated with said processing system and contained within said body [Sharpe, PC 20, Fig 2], said communications unit being configured operable

under control of said processing unit in response to said input signal to:

- (i) initiate a data communications link via a general purpose communications network with a remote content provider source [Sharpe, modem, 96, Fig 4],
- (ii) transmit to the remote content provider a request for download of at least one data file including audio content [Sharpe, download, col 5 line 9], and
- (iii) receive the at least one data file including audio content from the remote content provider [Sharpe, sound, col 5 line 36],

wherein the processor system is operative to save the at least one data file in said storage device and subsequently to play said audio content read from said at least one data file via said audio output device [Sharpe, audio, video files, col 6 line 61].

Sharpe also taught a switch 28A providing the toy behavior [Sharpe, switch 28A, Fig 2]. However Sharpe does not explicitly detail

- (e) at least one user-operable switch manually operable by manipulation of at least open region of said body, said at least one switch being operative to provide an input signal to said processing system;

In the same endeavor, Bart taught a stuff animal toy emulates the awakening upon the user touching or manipulating one of location or region of body thereby activating an audio message [Bart, abstract] [see Wingate reference for the same concept]

Therefor it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the toy with responsive behavior as taught by Bart

into the Sharpe 's apparatus in order to utilize the behavior switch on the toy body.

Doing so would provide a capability of playing different features with audio messages.

3. As per claim 2, Sharpe-Bart disclose a modem [Sharpe, modem, 96, Fig 4],
4. As per claims 3,19 Sharpe-Bart disclose a PSTN [Sharpe, switching network, col 7 line 64].
5. As per claims 4, 18Sharpe-Bart disclose cellular network [Sharpe, wireless network, col 7 line 61].
6. As per claims 5, 17Sharpe-Bart disclose a socket [Sharpe, port 24, Fig 2].
7. As per claims 8,20 Sharpe-Bart disclose a switch manually operable by manipulation of a head of the doll body [Sharpe, body part, col 6 line 20].
8. As per claim 9, Sharpe-Bart disclose a button [Sharpe, button switch 28A, Fig 2].
9. Claims 12,16 contains identical limitations set forth in claim 1. Therefore claims 12,16 are rejected for the same rationale set forth in claim 1.
10. As per claims 13-15, Sharpe-Bart disclose a content type or category [Sharpe, text input, col 9 line 54].

Claims 10-11,21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe III et al (6,012,961 A) in view of Bart et al [Bart 6,514,118 B1] and further in view of Rifkin et al (5,873,765 A).

11. As per claim 10, Sharpe-Bart does not disclose a rechargeable battery. Rifkin taught a toy with a battery power [Rifkin, col 4 line 7]

Therefor it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the toy with battery as taught by Rifkin into the Sharpe 's apparatus in order to utilize the toy.

Doing so would provide the toy with power source to simulate the audio program and movement.

12. As per claims 11,22 Sharpe-Bart-Rifkin disclose a connector as inherent feature of battery.

13. As per claims 11,22 Sharpe-Bart-Rifkin disclose a rechargeable battery deployed within said doll body for powering at least said processor system, said rechargeable battery being electrically connected to a connector; and a charging unit deployed separate from said doll body and configured for mating with said connector so as to charge said rechargeable battery as an alternative choice of batteries..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner



THONG VU
PRIMARY PATENT EXAMINER